

Special and Regular Meeting of Tuesday, June 24, 2008

City Council Chambers, One Twin Pines Lane

SPECIAL MEETINGS

CLOSED SESSION - 6:00 P.M.

- A. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section 54957.6: MMCEA and AFSCME
- B. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(c) Initiation of Litigation: One Case
- C. Conference with Legal Counsel pursuant to Government Code Section 54956.9, Anticipated Litigation, Significant Exposure to Litigation: One case - Claim of Schoening et al.: Marburger Road
- D. Conference with Real Property Negotiator Crist pursuant to Government Code Section 54956.8: Three parcels - APN 044-222-180, APN 046-041-140 and 046-041-270, concerning price and terms of payment

Attended by Councilmembers Dickenson, Feierbach, Wozniak, Lieberman, City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Police Chief Mattei, Interim Human Resources Director Kirby, Labor Negotiator Kelly Tuffo. Councilmember Braunstein was absent. Deputy City Clerk Aguilar was excused from attending.

ADJOURNMENT at this time, being 7:23 P.M.

Pamela Aguilar
Deputy City Clerk

This meeting was not tape recorded or videotaped.

REGULAR MEETING – CALL TO ORDER 7:30 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Wozniak, Dickenson, Lieberman

COUNCILMEMBERS ABSENT: Braunstein

Staff Present: City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Finance Director Fil, Public Works Director Davis, Code Enforcement Officer Buckman, Information Services Director Harnish, Fire Chief Fry, City Treasurer Violet, Deputy City Clerk Aguilar.

PLEDGE OF ALLEGIANCE

Led by Deputy City Clerk Aguilar

REPORT FROM CLOSED SESSION

City Attorney Zafferano stated that no action had been taken on items A, C and D during the closed sessions held earlier. As to item B, City Attorney Zafferano reported that Council authorized initiation of litigation against Municipal Maintenance Equipment and Schwartz Industries.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Sister Nancy O'Shea, Sisters of Notre Dame de Namur, announced that an international meeting of the Sisters of Notre Dame will be hosted in Belmont this summer. She stated that one hundred sisters from fourteen countries will meet to discuss plans and goals for the next six years and elect new officers for the organization. The City Council is invited to attend the opening Mass and reception on July 10th.

Denny Lawhern, Belmont Historical Society, inquired as to the status of the Emmett House. He stated that the neighborhood is concerned regarding the length of time that has passed since the house was moved to its new location and the commencement of work on the project. It is still sitting on the elated block foundation. He expressed concern that there may be a risk to the home if an earthquake should occur. The house is a valuable investment to the City and precautions should be taken to protect it.

City Manager Crist indicated that work has begun to build the foundation and lower the house. There are still some items that are being reviewed by the Planning Commission. A status report will be prepared for the next Council meeting.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Lieberman introduced the Blue Dominators, champions of the 8 years old and under Belmont-Redwood Shores Youth Softball Association, and their coaches and commended them on a great season. Mayor Lieberman acknowledged a letter received from Belmont resident Andrew Keshmiri requesting Council to join the U.S. Conference of Mayors in a resolution urging diplomacy and preventing military confrontation with Iran. Mayor Lieberman announced the passing away of Kenneth Dickerson, former Belmont Council member, Mayor and City Attorney. He extended his condolences to Mr. Dickerson's family. He stated that tonight's meeting would be adjourned in memory of Kenneth Dickerson.

Councilmember Feierbach recalled several initiatives she and Mr. Dickerson worked on together and stated that although they did not always agree on issues, they shared a mutual respect and a wonderful relationship. She admired him and will miss him.

City Attorney Zafferano expressed his personal sympathies to Mr. Dickerson's family. He remembered what a great mentor he was to the Aaronson, Dickerson, Cohen and Lanzone staff and what a diligent researcher he was, never taking for granted that he knew all the answers.

AGENDA AMENDMENTS

Deputy City Clerk Aguilar stated that a member of the public requested removal of item 4B (Resolution Approving the Filing of the Bay Area Air Quality Management District (BAAQMD) Bicycle Facility Program (BFP) Grant Application for City Contract 433 – U.S. Highway 101 Bicycle/Pedestrian Bridge Project) for separate consideration.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Special and Regular Meeting of May 27, 2008 and Special Meeting of May 30, 2008 (Closed Session)

Approval of Resolution 10030 Approving the Filing of the Bay Area Air Quality Management District (BAAQMD) Bicycle Facility Program (BFP) Grant Application for City Contract Number 433 – U.S. Highway 101 Bicycle/Pedestrian Bridge Project for an Amount of \$57,500 and for Installing Bicycle Lanes on Alameda de las Pulgas South of Ralston Avenue for an the Amount of \$15,000

Acceptance of Annual Report to Council on Taser Deployment by Belmont Police Department Officers

Acceptance of Written Communication: Received June 18, 2008, PUC Notification of Filing of PG&E Application for Approval of 2009-2011 Demand Response Programs and Budget

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Wozniak, the Consent Agenda was unanimously approved (4-0, Braunstein absent), as amended, by a show of hands.

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Approving the Filing of the Bay Area Air Quality Management District (BAAQMD) Bicycle Facility Program (BFP) Grant Application for City Contract Number 433 – U.S. Highway 101 Bicycle/Pedestrian Bridge Project for an Amount of \$57,500 and for Installing Bicycle Lanes on Alameda de las Pulgas South of Ralston Avenue for an Amount of \$15,000

Gladwyn d'Souza, Belmont resident, supports the installation of bicycle lanes on Alameda de las Pulgas. He requested Council to consider complete systems and a connected infrastructure that will encourage residents to use alternative modes of transportation such as walking and biking to transit stations and provide a safe means to do so. Working with the City of San Carlos to accomplish this can benefit both cities regionally by reducing congestion, pollution and costs from an expensive auto infrastructure.

In response to Councilmember Feierbach, Mr. d'Souza stated that the Green Advisory Committee (GAC) will discuss completion of bicycle paths.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Wozniak, Resolution 10030 Approving the Filing of the Bay Area Air Quality Management District (BAAQMD) Bicycle Facility Program (BFP) Grant Application for City Contract Number 433 – U.S. Highway 101 Bicycle/Pedestrian Bridge Project for an Amount of \$57,500 and for Installing Bicycle Lanes on Alameda de las Pulgas South of Ralston Avenue for an Amount of \$15,000 was unanimously approved (4-0, Braunstein absent) by a show of hands.

PUBLIC HEARINGS

Public Hearing to Consider a Conceptual Development Plan Amendment & Rezone, Tentative Subdivision Map, and Mitigated Negative Declaration For a Mixed Use

(Commercial/Residential) Building For Property Located at 1300 El Camino Real & Adjacent Civic Lane Right-Of-Way Area

Community Development Director de Melo gave a brief summary of the project. He described a change in the project which will include an underground parking garage, ground level retail space and two and one quarter floors of housing. The total square footage of the new project when blended with the original one is 10,400 square feet.

In response to Councilmember Wozniak, Community Development Director de Melo stated that since 2006 six public hearings were held where neighbors were invited to attend. Stakeholder meetings were held with all the property owners within Firehouse Square. Adequate notice has been given to all those who may be affected by this development. He also responded that the height of the building will not exceed fifty feet at any point.

Mayor Lieberman opened the Public Hearing. No one came forward to speak.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, the Public Hearing was unanimously closed by a show of hands.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, Resolution 10031 Approving a Mitigated Negative Declaration was unanimously approved (4-0, Braunstein absent) by a show of hands.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach and unanimously approved by a show of hands (4-0, Braunstein absent) to Introduce an Ordinance Approving a Conceptual Development Plan (CDP), Rezoning and Tentative Subdivision Map, waive further reading and set second reading and to set the second reading and adoption for July 8, 2008.

OLD BUSINESS

Resolution Approving the Technology Master Plan Developed by SoftResources and Authorization For City Manager To Negotiate A Professional Services Agreement with Eskel Porter Consistent with the Master Plan and Approval of a Purchase Order Not To Exceed \$362,000 for Microsoft and Hansen Software

Information Services Director Harnish stated that page five of the staff report reflecting the FY 2009 mid-year review amount of \$508,000 should be amended to \$509,000. Information Services Director Harnish provided background of the current financial system and reviewed details of the process that has been undertaken to update the Technology Master Plan. She outlined the City's technology goals and the tasks completed by technology consultant SoftResources to date. She enumerated the software deficiencies of various City departments. The current deficiencies have resulted in a redundancy of information being entered into multiple systems and an inefficient use of staff time and resources. She described the uniqueness of the proposed new software and its features.

Jeff Thompson, SoftResources, described the Hansen system.

Information Services Director Harnish outlined features of the Great Plains system. She stated that the aim and culmination of integrating systems is to provide the ability to conduct business twenty-four hours a day, seven days a week.

In response to Councilmember Feierbach, Information Services Director Harnish stated that the new system will have drill-down and e-commerce capabilities. She added that the system can be expanded to accommodate future needs.

In response to Councilmember Dickenson, Information Services Director Harnish discussed the hardware budget, green hardware, central energy management, network security and a comparison of the proposed system to existing Enterprise Resources Packages (ERP).

In response to Mayor Lieberman regarding the cost of software and services, Information Services Director Harnish stated that the services indicated are not primarily for customizing the software, but for implementing the software and integrating systems. There is an additional cost to migrate data from the current system to the new system in order to make the new system function properly. Council is being requested to authorize the City Manager to negotiate the current figures and look for cost saving opportunities wherever possible.

In response to Mayor Lieberman, Mr. Thompson explained that the element that makes the proposed system cutting-edge is the “best-of-breed” approach which implements pioneering methods for combining technology and expertise to integrate systems that talk to each other.

City Manager Crist stated that the integration is what makes the proposed system unique. This is not a customized software package.

Finance Director Fil added that it is the City’s desire to implement best practices for both front-end customers and back-office operations. External access by the public to conduct City business 24-hours a day is a best practice.

Councilmember Wozniak expressed support for the new software. She supports the public’s ability to access government on-line as they do with other products and services. The ability to do business on-line will save time and money. Using less paper promotes green practices.

Councilmember Feierbach supports the new software.

Mayor Lieberman stated that he is not prepared at this time to approve the software implementation at the current cost. He does not oppose the E-vision concept, and sees its benefits. He would like more discussion and a better understanding of the costs. He commended Information Services Director Harnish for her report and work on the project.

ACTION: Councilmember Wozniak made a motion, seconded by Councilmember Feierbach, to approve Resolution Approving the Technology Master Plan Developed by SoftResources and Authorization For City Manager To Negotiate A Professional Services Agreement with Eskel

Porter Consistent with the Master Plan and Approval of a Purchase Order Not To Exceed \$362,000 for Microsoft and Hansen Software. This motion failed by roll call vote (2-2-1, Dickenson and Lieberman no, Braunstein absent)

Discussion and Direction Regarding Striping Plan for Alameda de las Pulgas

Public Works Director Davis gave a brief summary of the project including Council's previous direction regarding parking in the area of the library, converting existing lanes in both the north and south bound directions to accommodate bike lanes and meeting with the City of San Carlos to discuss concerns. He reviewed traffic volume data and the capacity analysis of the intersection of Chula Vista and Alameda de las Pulgas.

In response to Councilmember Feierbach, Public Works Director Davis indicated the project should be completed by August before the school year begins.

Councilmember Wozniak expressed concern for the safety of bicyclists. Public Works Director Davis clarified that there will be 6-foot wide bike lanes in each direction with striping from the city limits to Carlmont Drive. There will be no additional diagonal parking.

In response to Councilmember Dickenson, Public Works Director Davis stated that at this time the north-south lanes do not connect to another existing bike system. The designated north-south bike route is along Old County Road which is maintained by the County. Signage will be posted to identify this route. The east-west bike system runs along Ralston Avenue and has some gaps that are being worked on.

Gladwyn d'Souza, Belmont resident, stated he supports a striping plan with parallel parking, narrow lanes and clearly marked bicycle lanes that calm traffic and provide pedestrians safety when crossing auto lanes. The City should encourage safe driving speeds. Arterial streets need a complete bike network to allow bicyclists to reach their destinations.

Council concurred to direct staff to proceed with the roadway geometrics as proposed and to follow up on means to fund a connection to Ralston Avenue.

Discussion and Direction Regarding Traffic Conditions along Ralston Avenue between Notre Dame Avenue and Sixth Avenue

Public Works Director Davis stated that Council had authorized the Public Works Department to apply for a Bay Area Air Quality Management District (BAAMD) grant for installation of a roundabout at the intersection of Ralston Avenue and South Road. Direction was also given to conduct a traffic analysis along Ralston Avenue between Notre Dame Avenue and Sixth Avenue to determine if a roundabout is the appropriate device to install at this location.

Public Works Director Davis reviewed the results of the traffic study as well as computerized traffic simulation models developed to analyze impact at the intersection of Ralston Avenue and South Road of both a roundabout and a traffic signal. He stated that the analysis was expanded to include the impact of a roundabout at the entrance of Notre Dame de Namur University (NDNU). Public Works Director Davis is requesting Council's permission to modify the BAAQMD grant application to install a traffic signal at the intersection of Ralston Avenue and South Road and to use the balance of the funds to install a roundabout at the entrance of NDNU.

Denny Lawhern, Belmont resident, does not support a roundabout at South Road. He stated that placing the roundabout at NDNU would provide some traffic relief. He expressed concern for the safety of pedestrians and bicyclists. He also encouraged Council to consider reducing the speed limit along Ralston Avenue between Alameda and Hiller Street.

Gladwyn d'Souza, Belmont resident, is not against roundabouts, but expressed concern regarding projects that enable more vehicles on the road. He encouraged Council to consider shuttle loops, and taxi scripts as alternatives to providing high-capacity public transport within Belmont. He also stated that walking and cycling are integral transport modes that need attention.

Judith Greig, Notre Dame de Namur University Acting President, expressed appreciation for the safety of those entering and exiting the NDNU campus. They want to be a good neighbor and would like to be actively involved with discussions and decisions made regarding this project.

Councilmember Feierbach expressed interest in installing a temporary stop light at the intersection of Ralston Avenue and South Road and monitoring the traffic conditions. She cannot support installation of a stop light without first doing a test run and ensuring that the project is executed properly. She is concerned that this project does not conform to the General Plan.

Councilmember Wozniak requested the dates of the traffic studies. She supports discussions with NDNU regarding the project. She expressed concern for pedestrian and bicyclist safety and encouraged a shift in thinking that promotes more walking, biking and public transit, and not necessarily devising traffic solutions geared primarily toward drivers. She would like more information before supporting the roundabout project.

Councilmember Dickenson supports installation of a traffic signal and decreasing traffic that cuts through South Road and spills into the surrounding neighborhoods. He expressed concern regarding road access for public safety vehicles. Police Chief Mattei stated that police vehicles could safely negotiate a roundabout but was concerned that a fire engine might not.

Mayor Lieberman supports discussions with NDNU regarding the project. He stated that safety from access roads should be a priority as well as the safety of those going to and coming from NDNU.

Council concurred to direct staff to modify the BAAQMD grant application and to note that Council has not made a decision regarding installation of a roundabout at South Road or at the entrance of NDNU.

RECESS: 10:15 P.M.

RECONVENE: 10:25 P.M.

MEETING EXTENSION at this time, being 10:25 p.m., on a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, the meeting was unanimously extended to 11:00 p.m.

Consideration of a resolution against light brown apple moth aerial spraying (Feierbach) (item taken out of order on agenda)

Councilmember Feierbach discussed a newspaper article stating that the California Department of Food and Agriculture (CDFA) encouraged the public to end protests of the light brown apple moth aerial spraying program and to rely on public officials to make the right decision for their communities. Councilmember Feierbach stated that subsequent to the publication of the newspaper article, the CDFA made a decision to postpone spraying.

Councilmember Feierbach would like the Council to consider a resolution opposing the spraying.

Gladwyn d'Souza, Belmont resident, expressed his opposition to the aerial spraying and suggested instead to give a portion of money used for this emergency to family farms earning less than \$30,000 per year to pay for pheromone baited sticky traps. He encouraged buying produce from farmers markets where the food is fresh.

Krista Kuehnhackl, Belmont resident, supports a resolution opposing the aerial spraying. She stated that ground treatments used to eradicate the light brown apple moth are also harmful and would oppose that process as well. She encouraged Council to allow an environmental impact report be completed before any type of treatment is conducted in Belmont or elsewhere. She requests a resolution opposing aerial spraying altogether because although it is banned in Belmont, the fumes from spraying in surrounding areas will affect air quality. She stated that the crop damage from the light brown apple moth is minimal and its emergency status should be downgraded. She encouraged Council to monitor the aerial spraying program as it affects Belmont, and to act accordingly.

Frank Eggers, Fairfax resident, stated he is the Bay Area coordinator for Stop the Spraying and is opposed to the spraying. He reviewed the CDFA's eradication program schedule and some components of the program. He encouraged Council to approve a resolution opposing the spraying.

Linda Abbey, Burlingame resident, stated that she was present at the San Bruno City Council meeting when it passed its resolution opposing the spraying. She discussed the health consequences of spraying on children and those with respiratory conditions. She is also against proposed ground treatments as they are just as harmful. She applauds Council for approving a resolution opposing the spraying.

Mayor Lieberman stated that he would support a resolution that opposes spraying in Belmont rather than a universal ban on spraying.

Council concurred to direct the City Attorney to prepare a resolution for approval at the next Council meeting.

Discussion and Direction Regarding the Collection Request for Proposals for Solid Waste/Recycling Collection Alternatives

Public Works Director Davis summarized the Request for Proposals (RFP) stating that it is tailor-made to meet the collection needs of the City and that the scope of services is consistent with the South Bayside Waste Management (SBWMA) RFP. There are several elements of the City's RFP that will simplify the process including a more streamlined rate setting process and more latitude in equipment selection. In addition, single-family and multi-family residences will be able to recycle compact fluorescent light bulbs and other designated items, and multi-family and commercial customers will not be charged for organics collected if requested. The Infrastructure Committee has reviewed and approved the RFP.

In response to Councilmember Feierbach, **Steve Brekke-Brown**, HDR Brown, stated there will be an expectation of high customer service and satisfaction and the agreement will outline performance standards, including penalties for poor performance.

Public Works Director Davis clarified that the Shoreway collection facility operates using a single stream process. He stated that state-of-the-art equipment minimizes contamination. As residents move toward recycling more, they will be able to place all their recyclables in one bin. Mr. Brown described the screening and sorting process.

In response to Councilmember Wozniak, Mr. Brown stated that Styrofoam is not on the list of materials for handling at this time and SBWMA is looking into it. This material can be dropped off at the facility but cannot be included in the single stream. Public Works Director Davis will look into collection of black plastic. He also stated that the bins have hinged lids to keep out raccoons.

MEETING EXTENSION at this time, being 10:56 p.m., on a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, the meeting was unanimously extended 30 minutes.

In response to Council concerns, Mr. Brown stated that changing collection time to begin at 7:00 a.m. or later includes a cost factor, but this can be included in the RFP.

In response to Councilmember Dickenson, Public Works Director Davis stated he will provide information regarding the commodities produced using a "dirty" or dual MRF (Materials Recycling Facility) versus a single stream.

Mayor Lieberman stated that the issue of providing free collection services to the school district needs more discussion. He would like to explore how this service can provide an incentive for some of the schools to recycle more, which is an added benefit to the City.

Gladwyn d'Souza, Belmont resident, supports dual stream recyclers to allow for some reuse. Single streamers shift the waste problem to far away landfills, polluting water resources and making it convenient to load barges and carry the problem out of sight. Any innovation from resource reuse must come from where the barges stop.

Council concurred to direct staff to prepare a resolution approving the RFP for the next Council meeting.

Discussion and Direction Regarding the Administrative Code Enforcement Team efforts on Old County Road.

This item was continued to July 22, 2008.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Council members on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Wozniak reported attending a meeting of the Peninsula Traffic Relief Alliance. She stated that a representative is scheduled to speak to the Green Advisory Committee (GAC) regarding transportation alternatives including shuttle and bus services.

Councilmember Dickenson attended a meeting of the Utility Sustainability Task Force. The 2025 water and energy plan was discussed as well as net metering and funding options for the library solar project. Councilmember Dickenson has invited Allied Waste's new Environmental Relations Manager, Jennifer Chicconi, to meet with the Green Advisory Committee.

Councilmember Feierbach reported that she will attend a protest on July 2nd organized by San Mateo Highlands homeowners opposing a plan to build a men's prison on Tower Road. She has spoken to the Highlands' homeowners' association president and with Jerry Hill to monitor and prevent this project from happening.

Mayor Lieberman reported attending a meeting of the Infrastructure Committee. The Alameda striping project and solid waste Request for Proposal (RFPs) items were discussed. He stated that a recommendation has been reached regarding the proposed Sam Trans bus stops on Hiller Street.

Verbal report from City Manager

City Manager Crist advised that he will be on vacation from June 30th to through July 4th. Community Development Director de Melo will be Acting City Manager during his absence.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Consideration of renewal of membership in the Housing Endowment and Regional Trust (HEART) (Lieberman)

Mayor Lieberman stated that the Housing Endowment and Regional Trust (HEART) organization is a fund-raising vehicle that facilitates affordable housing. He noted that Belmont is the only Peninsula city that is not a member of HEART. Belmont was a member at one time, but did not renew its membership during the time the City was making budget cuts. Mayor Lieberman stated that the organization has made changes in the last several years and has instituted new programs. He requests Council to renew its membership at this time. The organization does not recommend specific projects but helps cities gain funding for desired projects.

In response to Councilmember Dickenson, Community Development Director de Melo stated that the City has contracts with the Shelter Network, HIP Housing and Call Primrose through Low-Moderate Income (LMI) housing funds.

Gladwyn d'Souza, Belmont resident, stated that HEART understands the jobs and housing balance, transit connections, and green building. HEART has provided resources to address these issues in San Mateo County and encourages the City to renew its membership.

Council concurred to renew its membership with HEART on condition that it be done with LMI funds.

ADJOURNMENT, at this time being 11:13 p.m. in memory of Kenneth Dickerson.

Pamela Aguilar

Belmont Deputy City Clerk

Council Meeting Tape Recorded and Videotaped
Audio Recording 702